

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

REZA KAZIMI,

Plaintiff,

v.

Civ. No. 24-689 JCH/JMR

**DIVERSIFIED PROTECTION
CORPORATION,**

Defendant.

**MEMORANDUM OPINION DENYING
MOTION FOR SUMARY JUDGMENT AND ORDER OF REFERENCE**

This case is before the Court on Defendant Diversified Protection Corporation's ("DPC") *Motion to Dismiss With Prejudice per Rule 41(b) or Alternatively, to Compel Discovery & for Rule 37 Sanctions* [Doc. 31], filed May 27, 2025, as well as *Defendant DPC's Motion for Summary Judgment* [Doc. 41], filed June 16, 2025.

First, the Court will refer DPC's motion to dismiss [Doc. 31] to the United States Magistrate Judge for recommended disposition. Although the motion centers around discovery disputes, an area generally handled by the magistrate judge, it asks for dispositive relief. Therefore, in accordance with 28 U.S.C. § 636(b)(1)(B) and (b)(3), the Court refers DPC's motion to dismiss [Doc. 31] to United States Magistrate Judge Jennifer Rozzoni to conduct hearings, if warranted (including evidentiary hearings), and to perform any legal analysis required to recommend to the Court an ultimate disposition of the motion. The parties shall be given the opportunity to object to the proposed findings, analysis, and disposition as described in 28 U.S.C. § 636(b)(1).

Next, the Court will deny DPC's motion for summary judgment [Doc. 41] without prejudice for failure to comply with the Local Rules of Civil Procedure for the District of New Mexico. In particular, the motion violates Rule 7.5 regarding the length of a motion and supporting brief, Rule 10.5 regarding page limits for exhibits, and Rule 56.1(b) requiring a numbered list of undisputed material facts. The Local Rules can be found on the Court's website at www.nmd.uscourts.gov, and counsel for Defendant should acquaint themselves with those rules. In the meantime, if the Defendant wishes to reassert its motion for summary judgment, it may do so after the Magistrate Judge has resolved the underlying discovery issues and the motion to dismiss.

Finally, the current June 16, 2025, dispositive motion deadline is hereby vacated. The Court asks the Magistrate Judge to set a new dispositive motion deadline after she has resolved the motion to dismiss.

IT IS THEREFORE ORDERED that:

1. *Motion to Dismiss With Prejudice per Rule 41(b) or Alternatively, to Compel Discovery & for Rule 37 Sanctions* [Doc. 31] is hereby **REFERRED** to Magistrate Judge Jennifer Rozzoni as discussed above;
2. *Defendant DPC's Motion for Summary Judgment* [Doc. 41] is **DENIED** with prejudice, and Defendant may reassert the motion in the future provided it adheres to our Local Rules;
3. The June 16, 2025, dispositive motion deadline is **VACATED** and will be reset at a future time.



SENIOR UNITED STATES DISTRICT JUDGE